

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL C. WALLER, JR.,

Plaintiff,

v.

TIAVON MOORE-PATTON, RAMONA
VINCENT, MARIA ROSADO, BENJAMIN
QUANTA MIDOGE, CRINISHA HALL,
ANGELA CALLOWAY, and ROBERT CAIN

Defendants.

Case Number 15-13305
Honorable David M. Lawson
Magistrate Judge David R. Grand

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING DEFENDANT'S MOTION TO DISMISS**

Presently before the Court is the report issued on August 24, 2016 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the defendant's motion to dismiss. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #64] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion to dismiss [dkt. #56] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 13, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 13, 2016.

s/Susan Pinkowski
SUSAN PINKOWSKI